

**BURR RIDGE VILLAGE CODE**

**CHAPTER 17**

**Food Dealers - Regulations and Inspections**

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## **Article I. Purpose and Scope**

### **Sec. 17.01.**

#### **Purpose.**

This Chapter is for the purpose of insuring the public health of the residents of the Village by providing for the sale of only safe, properly labeled food, and regulating the sources of food, by establishing sanitation standards for food, food protection, food personnel, food operations, food equipment and utensils, sanitary facilities and controls, and other facilities; and also by requiring permits for the operation of food service establishments and retail food stores (the term retail food store or establishment as used in this Chapter shall mean either a food service establishment or a retail food store); and by regulating the inspection of such establishments and providing for the examination and condemnation of food.

### **Sec. 17.02.**

#### **Definitions.**

The definitions for this Chapter shall be the definition set forth in Section 17.01 of this Chapter and those set forth in the Rules and Regulations incorporated herein under Section 17.03.

## **Article II. Regulation.**

### **Sec. 17.03.**

#### **General Provisions - Incorporation of Technical Codes.**

All laws, rules and regulations established by the State of Illinois, or any of its agencies including the Department of Public Health, as such may be amended from time to time, are hereby adopted as rules and regulations within the Village regarding the sanitary conditions of, and inspections of, all retail establishments (including all equipment, facilities and buildings) that distribute or sell any foods or food goods. Such rules and regulations shall specifically include the provisions dealing with sanitary inspection set forth in Chapter 56 1/2, Sections 67 et. seq. of the Illinois Revised Statutes, and also the regulation and inspection of food service establishments shall be in accordance with the "Food Service Sanitation Rules and Regulations", as published by the Illinois Department of Public Health, Office of Health Regulation, Division of Food, Drugs and Dairies, as amended from time to time. Both of said sets of Rules and Regulations published by the Illinois Department of Public Health are on file with the Secretary of State and at least 3 copies of which, including any subsequent amendments thereto, shall be on file with the Village Clerk and made conveniently available for public inspection, use and examination, and 3 copies of which have been on file with the Village Clerk and conveniently available for public inspection, use and examination for a period of 30 days prior to the adoption hereof; provided, however, that the words "regulatory authority" in said rules and regulations shall be understood to include the Village of Burr Ridge and the Cook County Department of Public Health.

### **Sec. 17.04.**

#### **Compliance with Laws, Rules and Regulations.**

All food establishments within the Village of Burr Ridge shall comply with all applicable federal, state and local laws, rules and regulations regarding the handling and distribution of such food goods and the sanitary condition of all equipment, facilities and buildings in which such food goods are either prepared, distributed or otherwise handled in any manner whatsoever, or as otherwise regulated hereunder.

**Article III.                    Enforcement.**

**Sec. 17.05.                    Intergovernmental Agreement - County as Agent.**

The Village has entered into an intergovernmental agreement for the provision of food and environmental health inspectional services with the Department of Public Health in the County of Cook (hereinafter referred to in this Chapter as the Department), which agreement calls for inspections of all food establishments within the Village at least twice a year. The Cook County Department of Public Health and its officers, agents and employees are hereby designated as the lawfully constituted agents of the Village for all purposes under this Chapter as fully as if they were employees of the Village.

**Sec. 17.06.                    Fees and Expenses.**

For each inspection under this Chapter, a fee of \$65.00 per inspection shall be charged to the establishment being inspected, which such amount shall be payable to the Village of Burr Ridge prior to the inspection or within 10 days after such inspection has been completed. In addition, if there are any additional fees or expenses charged by the County to the Village in connection with any food establishment, including but not limited to any fees or expenses charged in connection with any prosecution brought against such establishment, any such establishment shall be required to reimburse the Village in any amount equal to 105% of any such additional fees or expenses immediately upon receipt of an invoice from the Village. (Amended by A-643-1-02)

#### **Article IV. Permits, Licenses, or Certificates.**

##### **Sec. 17.07.**

##### **General.**

No person shall operate a food establishment who does not have a valid permit, license, or certificate issued to them by the Village. Only a person who complies with the requirements of this Chapter shall be entitled to receive or retain such a permit, license, or certificate. Permits, licenses or certificates are not transferable. A valid permit, license, or certificate shall be posted in every food establishment.

##### **Sec. 17.08.**

##### **Issuance of Permit, License, or Certificate.**

- (a) Any person desiring to operate a food establishment shall make written application for a permit, license, or certificate on forms provided by the Village. Such application shall include the name and address of each applicant, the location and type of the proposed food establishment, and the signature of each applicant, together with any additional information required by either the County or the Village.
- (b) Prior to approval of an application for a permit, license, or certificate, the Cook County Department of Public Health shall inspect the proposed food establishment to determine compliance with the requirements of this Chapter.
- (c) The Village shall issue a permit, license, or certificate to the applicant if its inspection reveals that the proposed food establishment complies with the requirements of this Chapter.

##### **Sec. 17.09.**

##### **Suspension of Permit, License, or Certificate.**

- (a) The Village may, without warning, notice, or hearing, except as otherwise provided herein, suspend any permit, license, or certificate to operate a food establishment if the holder of the permit, license, or certificate does not comply with the requirements of this Chapter and/or if the operation of the food establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by Section 17.09 (b) of this Chapter. When a permit, license or certificate is suspended, food operations shall immediately cease. Whenever a permit, license, or certificate is suspended, the holder of the permit, license, or certificate shall be afforded an opportunity for hearing within 20 days of receipt of a request for hearing.
- (b) Whenever a permit, license, or certificate is suspended, the holder of the permit, license, or certificate, or the person in charge shall be notified in writing that the permit, license, or certificate is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the Village Administrator by the holder of the permit, license, or certificate within 10 days, the suspension is sustained. The Village may end the suspension at any time if the reasons for suspension no longer exist.

##### **Sec. 17.10.**

##### **Revocation of Permit, License, or Certificate.**

- (a) The Village Board may, after the Village Administrator provides an opportunity for hearing and gives a recommendation based on such hearing, revoke a permit, license, or certificate for serious or repeated violations of any of the requirements of this Chapter or for interference with the Cook County Department of Public Health in the performance of its

duties hereunder.

- (b) Prior to revocation, the Village shall notify, in writing, the holder of the permit, license, or certificate, or the person in charge, of the specific reason(s) for which the permit, license, or certificate is to be revoked and that the permit, license or certificate shall be revoked at the end of 10 days following service of such notice unless a written request for hearing is filed with the Village Administrator by the holder of the permit, license, or certificate within such 10 day period. If no request for hearing is filed within the 10 day period, the revocation of the permit, license, or certificate becomes final.

**Sec. 17.11. Service of Notices.**

A notice provided for in this Chapter is properly served when it is delivered to the holder of the permit, license, or certificate, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit, license or certificate. A copy of the notice shall be filed in the records of the Village.

**Sec. 17.12. Hearings.**

The hearings provided for in this Chapter shall be conducted by the Village Administrator at a time and place designated by the Administrator. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The Village Board shall make a final finding based upon the complete hearing records and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit, license, or certificate by the Village.

**Sec. 17.13. Application After Revocation.**

Whenever a revocation of a permit, license, or certificate has become final, the holder of the revoked permit, license, or certificate may not make written application for a new permit, license, or certificate for a period of one year from the effective date of the revocation.

**Sec. 17.14. Inspection Frequency.**

An inspection of a food establishment shall be performed at least once every 6 months. Additional inspections of the food establishment shall be performed as often as necessary for the enforcement of this Chapter.

**Sec. 17.15. Access.**

Duly authorized representatives of the Cook County Department of Public Health, after proper identification, shall be permitted to enter any food establishment at any reasonable time for the purpose of making inspections to determine compliance with this Chapter. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.

**Sec. 17.16. Report of Inspections.**

Whenever an inspection of a food establishment or commissary is made, the findings shall be recorded on the approved inspection report form. The inspection report form shall summarize the requirements of this Chapter and shall set forth a weighted point value for each requirement. Inspectional remarks should be written to reference, by item number, the item violated and should

state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

**Sec. 17.17.**

**Correction of Violations.**

- (a) The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of violations shall be accomplished within the period specified, in accordance with the following provisions:
  - (1) If an imminent health hazard exists, such as, but not limited to, lack of adequate refrigeration or sewage backup into the establishment, the establishment shall immediately cease food operations. Operations shall not be resumed until authorized by the Cook County Department of Public Health.
  - (2) All violations of 4 to 5 point weighted items shall be corrected as soon as possible, but in any event, within 10 days following inspection. Within 15 days after the inspection, the holder of the permit, license, or certificate shall submit a written report to the Cook County Department of Public Health stating that the 4 to 5 point weighted violations have been corrected. A follow-up inspection shall be conducted to confirm correction.
  - (3) All 1 or 2 point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.
  - (4) When the rating score of the establishment is less than 60, the establishment shall initiate corrective action on all identified violations within 48 hours. One or more reinspections will be conducted at reasonable time intervals to assure correction.
  - (5) In the case of temporary food establishments, all violations shall be corrected within 24 hours. If violations are not corrected within 24 hours, the establishment shall immediately cease food operations until authorized to resume by the Cook County Department of Public Health.
- (b) The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food operations. An opportunity for hearing on the inspection findings or the time limits or both will be provided if a written request is filed with the Village Administrator within 10 days following cessation of operations. If a request for hearing is received, a hearing shall be held within 20 days of receipt of the request.
- (b) Whenever a food establishment is required under the provisions of this Section or Section 17.09 to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

## **Article V. Examination and Condemnation of Food**

### **Sec. 17.18.**

#### **General.**

Food may be examined or sampled by the Cook County Department of Public Health as often as necessary for enforcement of this Chapter.

The Cook County Department of Public Health may, upon written notice to the owner or person in charge, specifying with particularity the reasons therefor, place a hold order on any food which it believes is in violation of Sections 750.100, 750.110, 760.100, 760.110 of the then current edition of the Illinois Department of Public Health's publications currently titled, "Food Service Sanitation Rules and Regulations" or "Retail Food Store Sanitation Rules and Regulations", respectively, or any other Section of this Chapter. The Cook County Department of Public Health shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The Cook County Department of Public Health shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within 10 days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held within 20 days after receipt of the request. On the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this Chapter.



## **Article VI. Review of Plans.**

### **Sec. 17.19.**

#### **Submission of Plans.**

Whenever a food establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Building Commissioner of the Village of Burr Ridge and also to the Cook County Department of Public Health for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities (to the extent the Burr Ridge Building Ordinance requires further information for building permit review such additional information shall be submitted to the Building Commissioner, it being understood that the review required hereunder is in addition to, not in lieu of, any reviews and permits required under any other Village ordinances, rules and regulations). The Cook County Department of Public Health shall approve the plans and specifications if they meet the requirements of this Chapter.

No food establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Cook County Department of Public Health.

### **Sec. 17.20.**

#### **Pre-Operational Inspection.**

Whenever plans and specifications are required by Section 17.19. of this Chapter to be submitted to the Cook County Department of Public Health, the Cook County Department of Public Health shall inspect the food establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Chapter.

## **Article VII. Infections.**

### **Sec. 17.21.**

#### **General.**

When the Cook County Department of Public Health has reasonable cause to suspect possible disease transmission by an employee of a food establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The Cook County Department of Public Health may require any or all of the following measures:

- (a) The immediate exclusion of the employee from employment in food establishments;
- (b) The immediate closing of the food establishment concerned until, in the opinion of the Cook County Department of Public Health, no further danger of disease outbreak exists;
- (c) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;
- (d) Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.

## **Article VIII. Remedies.**

### **Sec. 17.22.**

#### **Penalties.**

Any person, firm or corporation violating any provisions of this Chapter shall be fined not less than \$50.00 nor more than \$500.00, or imprisoned not more than six months, or both. Each day's violation shall constitute a separate offense. Provided, however, nothing herein shall be construed to prevent a court from issuing an injunction enjoining the violation of any of the provisions of this Chapter, it being specifically the intent of this Chapter that the penalties are in addition to any other legal or equitable remedy the Village may have to promote the public health and safety of its residents.

### **Sec. 17.23.**

#### **Injunctions.**

In addition to the penalties provided for herein, the Department and/or the Village shall be entitled to bring an action in equity to restrain or enjoin the violation of any of the provisions of this Chapter.